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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/803,514

03/18/2004

David Janson

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04/19/2006

MACMILLAN, SOBANSKI & TODD, LLC  
ONE MARITIME PLAZA - FOURTH FLOOR  
720 WATER STREET  
TOLEDO, OH 43604

EXAMINER

LEWIS, TISHA D

ART UNIT

PAPER NUMBER

3681

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/803,514 | <b>Applicant(s)</b><br>JANSON ET AL. |  |
|                              | <b>Examiner</b><br>TISHA D. LEWIS    | <b>Art Unit</b><br>3681              |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-22 is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 7 is/are rejected.
- 7) ☒ Claim(s) 3-6, 8-10 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

### **DETAILED ACTION**

The following is a first action on the merits of application serial no. 10/803,514 filed on March 18, 2004.

#### ***Election/Restrictions***

Applicant's election without traverse of species 1 in the reply filed on February 15, 2006 is acknowledged. Claims 11 and 13 have been withdrawn to a non-elected species.

#### ***Information Disclosure Statement***

The information disclosure statement filed on August 10, 2005 has been considered.

#### ***Specification***

The disclosure is objected to because of the following informalities:

-On page 5, starting at line 10 to line 20, the font is a different size and the sentence at line 14 seems to end and start again at line 16.

-On page 7, line 8, "60" should be changed to -62-. Appropriate correction is required.

#### ***Claim Objections***

Claim 14 is objected to because of the following informalities:

-In lines 9, 11, and 13, -a- should be inserted at the beginning of each sentence.

-In line 13, after "third", "second" should be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Thomas et al ('014) Figure 13. Thomas et al discloses a transmission having an input shaft (310), a layshaft (322) disposed parallel to the input shaft, a pair of drive elements including a first element (334) secured to the input shaft and a second element (336) journaled on the layshaft and driveably connected to the first element, a first coupler (342) secured to the layshaft for coupling the second element to the layshaft, an output shaft (316), a planetary gear unit (348) driveably connecting the layshaft and output including a sun gear (104) secured to the layshaft, a ring gear (100) surrounding the sun gear and fixed against rotation (via 102), a carrier (340) driveably connected to the output and a set of planet gears (106) meshing with the sun and ring gear and supported by the carrier, a second layshaft (not referenced, 338 is secured to it) disposed parallel to the input shaft and driveably connected to the output and a fourth coupler (338) secured to the second layshaft for coupling the second element (336) to the output.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thomas et al in view of Hoffmann et al ('303). Thomas et al discloses an input shaft (310), but does not disclose a clutch for connecting an input to the input shaft.

Hoffmann et al discloses a transmission having an input (10) connected to an input shaft (18 or 20) by a clutch (E1 or E2), an output shaft (12) and a planetary gear unit (Figures 9a and 9b) on the output shaft.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to provide Thomas et al with an clutch for connecting an input of an engine with an input shaft of a transmission to selectively transmit torque from the engine to the transmission according to the engine operating mode (on, off, idle, etc.).

***Allowable Subject Matter***

Claims 14-22 are allowed.

Claims 3-6, 8-10 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

-Petri et al ('097) is cited as being a 102(b) to claim 1.

-Burkle et al ('168), Gumpoltsberger et al ('878), Hall, III ('051), Wiggermann ('899) and Francuch et al ('245).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TISHA D. LEWIS whose telephone number is 571-272-7093. The examiner can normally be reached on M-Thur 6 AM TO 2:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHARLES A. MARMOR can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tdl

Application/Control Number: 10/803,514

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Art Unit: 3681

April 16, 2006

*Tisha Lewis*  
**TISHA LEWIS**  
**PRIMARY EXAMINER**  
*Art 3681 4/14/06*